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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,374	09/24/2008	Izidor Brajnovic	NOBELB.241NP	3882

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EXAMINER

WILSON, JOHN J

ART UNIT	PAPER NUMBER
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3732

NOTIFICATION DATE	DELIVERY MODE
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10/20/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/582,374	BRAJNOVIC, IZIDOR	
	Examiner	Art Unit	
	JOHN J. WILSON	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/9/07, 2/3/09, 1/28/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claim 11 stands withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 11, 2010.

An action on the merits of claims 1-10 follows.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 1, an “arrangement” for a dental replacement component is unclear as to whether only an arrangement is being claimed or a device, in lines 1 and 2, “for example” is indefinite, in line 2, “a dental given”, and in line 5, “can be” is indefinite, in line 6, “the carbon fiber part” lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmaker et al (6827576). Karmaker shows a dental component 10 having a darker fiber 52, Fig. 12, covered by a lighter fiber 54, where the dark fiber 52 can be carbon fibers which are black or brown and are covered by additional fibers 54 which can be white, column 3, lines 46-60. It is note that Karmaker does not specifically state that 52 comprises carbon fiber, however, Karmaker teaches that 52 is of a darker color, that it is covered by a lighter color, for example white, and that carbon fiber can be used and exhibits a darker color, black or brown. One of ordinary skill in the art would understand and find obvious to use the darker carbon fiber for element 52. Karmaker also show the fibers being held in a hardenable substance, a polymeric matrix, column 4, lines 19-25. With respect to the limitations that the additional fibers include a color that better matches the color of the area it is intended to be used in then does the carbon fiber, this is intended use of a known and obvious structure, and as such, is properly given no patentable weight. As to claim 3, the additional fibers 54 will inherently increase the strength at least to some degree. As to claim 4, Karmaker teaches a light color white, to use a known fiber to obtain this color would have been obvious to one of ordinary skill in the art. As to claims 6 and 7, Karmaker teaches using a lighter color, the specific color and fibers used would have been obvious to the skilled artisan. As to claim 8, to match moisture absorbency would have been obvious to one of ordinary skill in the art in order to resist the oral environment. As to claim 9, the relative thickness of the additional fiber material with respect to the component is an obvious matter of choice in the size of a known element to the skilled artisan.

Drawings

The drawings filed June 9, 2006 are objected to by the examiner because the solid core 8, 8' is show as a blank space.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The IDS papers filed February 9, 2007, February 3, 2009 and January 28, 2010 have been considered and initialed copies are attached.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reynaud et al (5797748) teaches carbon is too dark and teaches the use of both carbon and aramide fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN J. WILSON whose telephone number is (571)272-6266. The examiner works a part-time schedule and can normally be reached on Monday or Thursday from 8 AM to 4:30 PM, or on Friday from 8 AM to 12 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris L. Rodriguez, can be reached on 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/John J Wilson/
Primary Examiner
Art Unit 3732**